
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

SANDRA C. K. VAN ORNUM,
Plaintiff,

vs.

**U.S. DEPARTMENT OF HEALTH and
HUMAN SERVICES, HAWAII
PACIFIC HEALTH, KUAKINI
HEALTH, and WILLIAM GOODHUE,
JR.,**

Defendants.

**MEMORANDUM DECISION
AND ORDER**

Case No. 2:13-cv-671

District Judge Clark Waddoups

Magistrate Judge Dustin B. Pead

This matter was referred to Magistrate Judge Dustin Pead by District Judge Clark Waddoups pursuant to 28 U.S.C. §636(b)(1)(B) (doc. 4). Currently before the Court is Plaintiff Sandra C. K. Van Ornum’s (“Plaintiff”) “Amended Motion For Mandatory Extended Service Of Process” seeking an extension of time within which to serve her complaint on Defendants U.S. Department of Health and Human Services, Hawaii Pacific Health, Kuakini Health and William Goodhue, Jr. (“Defendants”) (doc. 11).

On November 21, 2013, Magistrate Pead issued a Memorandum Decision & Order allowing Plaintiff “until January 29, 2014—approximately six months from the date of filing her July 22, 2013 administrative claim—to serve Defendants” (doc. 10). The Court granted Plaintiff an extension based, in part, upon her assertion that she was awaiting the Department of Health

and Human Services' final administrative disposition of her claims before serving Defendants in the present action (doc. 9).


In Plaintiff's most recent filing, she requests an amendment to the Court's prior extension arguing that the January 29, 2014, service date arrived at by the Court improperly reflects six months after her U.S. Department of Health and Human Services' complaint was *dated* (doc. 11). Instead, Plaintiff argues that the Court should extended the date of service in this action to February 27, 2014—six months after the August 27, 2013, date that she actually *presented* her complaint to the US Department of Health and Human Services. Id.

Accepting Plaintiff's assertion that the administrative action could take up to six months from the date that she presented her claim, the Court hereby finds good cause to grant her amended request for extension. Accordingly, Plaintiff shall have until February 27, 2014—approximately six months from the date of August 27, 2013 when she presented her administrative claim to the US Department of Health and Human Services—to serve the Defendants in this action.

This shall be the final extension based thereon. Failure to effect service by such date shall result in the Court's immediate dismissal of the complaint.

IT IS SO ORDERED.

DATED this 8th day of January, 2014.



Dustin B. Pead
United States Magistrate Judge